

PETITION FEE
Under 37 CFR 1.17(f), (g), & (h)
TRANSMITTAL
(Forms are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Complete if Known

Application Number	10/759,927
Filing Date	January 16, 2004
First Named Inventor	Calum Macrae
Examiner Name	
Art Unit	
Attorney Docket No.	55123P324

Enclosed is a petition filed under 37 CFR 1.17(h) that requires a processing fee (37 CFR 1.17(f), (g), or (h)).
Payment of \$130 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 02-2666:

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing

☐ Check in the amount of \$130 is enclosed.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

§ 1.53(e) - to accord a filing date.

§ 1.57(a) - to accord a filing date.

§ 1.182 - for decision on a question not specifically provided for.

§ 1.183 - to suspend the rules.

§ 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

§ 1.12 - for access to an assignment record.

§ 1.14 - for access to an application.

§ 1.47 - for filing by other than all the inventors or a person not the inventor.

§ 1.59 - for expungement of information.

§ 1.103(a) - to suspend action in an application.

§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.

§ 1.295 - for review of refusal to publish a statutory invention registration.

§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.

§ 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.

§ 5.12 - for expedited handling of a foreign filing license.

§ 5.15 - for changing the scope of a license.

§ 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.

§ 1.84 - for accepting color drawings or photographs.

§ 1.91 - for entry of a model or exhibit.

§ 1.102(d) - to make an application special.

§ 1.138(c) - to expressly abandon an application to avoid publication.

§ 1.313 - to withdraw an application from issue.

§ 1.314 - to defer issuance of a patent.

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Roger W. Blakely, Jr.	Registration No. (Attorney/Agent)	25,831	Telephone	(714) 557-3800
Signature	<i>Roger W. Blakely</i>	Date	02/02/05		

Based on PTO/SB/17p (11-04) as modified by Blakely, Skoloff, Taylor & Zisman (Rev. 12/13/2004)
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Appl. No. 10/759,927
Petition to Make Special Dated 02/02/2005

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FEB 02 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/759,927 Confirmation No. 8202
Applicant : Calum Macrae
Filed : 01/16/2004
TC/A.U. :
Examiner :

Docket No. : 55123P324
Customer No. : 8791

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
(37 CFR § 1.102 and MPEP § 708.02)

Sir:

Applicant hereby petitions to make this application special because of actual infringement.

1. Accompanying Material

Accompanying this petition are the following items:

- (a) Statement in Support of Petition to Make Special Because of Actual Infringement;
- (b) Preliminary Amendment;
- (c) Information Disclosure Statement and PTO-1449; and,
- (d) Revocation and Power of Attorney with accompanying Statement Under 3.73(b).

Appl. No. 10/759,927
Petition to Make Special Dated 02/02/2005

2. Fee

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 02-2666 and to charge any additional fees required by this paper. A duplicate of the Petition Fee Transmittal is attached.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 02/02/2005

By Roger W. Blakely, Jr.
Roger W. Blakely, Jr.
Reg. No. 25,831
Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☐ deposited with the United States Postal Service
as first class mail in an envelope addressed to:
Commissioner for Patents, PO Box 1450,
Alexandria, VA 22313-1450.

Date: 02/02/2005

FACSIMILE

☒ transmitted by facsimile to the Patent and
Trademark Office.

Jessica A. Clark 2/2/2005
Jessica A. Clark Date

Appl. No. 10/759,927
Statement in Support of
Petition to Make Special Dated 02/02/2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No. : 10/759,927 Confirmation No. 8202
Applicant : Calum Macrae
Filed : 01/16/2004
TC/A.U. :
Examiner :

Docket No. : 55123P324
Customer No. : 8791

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (MPEP § 708.02)**

Sir:

I, Roger W. Blakely, Jr., am the attorney of record as indicated by the accompanying
Revocation and Power of Attorney and Statement Under 3.73(b) and hereby make the following
statements:

1. There is an infringing device or product actually on the market.
2. I have made a rigid comparison of the alleged infringing product with the claims of this application, using promotional literature for the product as currently being offered for sale by the infringer, which offers to sell constitutes infringement under 35 USC Sec 271(a).

Appl. No. 10/759,927
Statement in Support of
Petition to Make Special Dated 02/02/2005

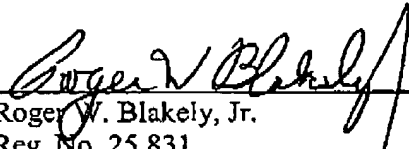
3. In my opinion, at least some of the claims on file in this application are unquestionably infringed.

4. I have caused to be made a search of the pertinent prior art. All such material art is provided to the Examiner as being filed in a respective Information Disclosure Statement.

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 02/02/2005

By


Roger W. Blakely, Jr.
Reg. No. 25,831
Tel.: (714) 557-3800 (Pacific Coast)

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Los Angeles, California 90025

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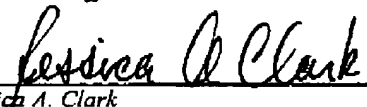
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2/2/2005
Date